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In re Application of :
Christopher R. Franks et al :
Serial No.: 10/009,376 : PETITION DECISION
Filed: April 8, 2002 :
Attorney Docket No.: 5585-61760-01 :

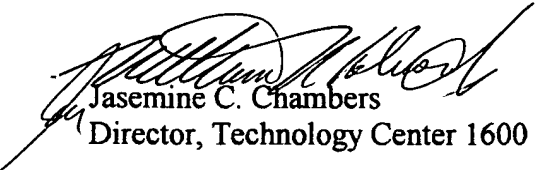
This is in response to the petition under 37 CFR 1.181, filed February 15, 2005, requesting withdrawal of abandonment based on timely filing of a reply.

A review of the file history shows that the examiner mailed an Office action to applicants on May 19, 2004, setting a one month shortened statutory period for reply. Upon failure to receive a reply the application was held abandoned by Notice of Abandonment mailed December 15, 2004. Applicants state that a reply was submitted on November 18, 2004, and provide a copy thereof. The reply consisted only of a request for a five month extension of time and fee therefore. Applicants request revival of this application only for purposes of copendency with a continuation application also filed on November 18, 2004. In view of the evidence presented, the date of abandonment of this application is November 20, 2004, the day following the expiration of the extension of time period requested.

The petition is **GRANTED**.

The fee for a five month extension of time will be charged to applicants' Deposit Account No. 02-4550, as directed, and this application will be remain abandoned, as requested.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 571-273-8300.


Jasmine C. Chambers
Director, Technology Center 1600